

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MAURICE T. HAMILTON	:	CIVIL ACTION
	:	
v.	:	NO. 20-4826
	:	
CHAD GUGGER, et al.	:	

ORDER

AND NOW, this 13th day of October 2020, upon considering the Plaintiff's Motion for leave to proceed *in forma pauperis* (ECF Doc. No. 9) with attached Complaint, following the transfer to this District from the Middle District of Pennsylvania (ECF Doc. No. 11, consistent with Congress's mandate to screen a Complaint filed without paying the fees, and for reasons in the accompanying Memorandum, it is **ORDERED**:

1. Plaintiff's Motion for leave to proceed *in forma pauperis* (ECF Doc. No. 9) is **GRANTED** under 28 U.S.C. § 1915. Accordingly, this case is subject to screening under 28 U.S.C. § 1915(e)(2)(B), and the Complaint will be screened in due course;

2. Maurice T. Hamilton, #LH-8035, shall pay the full filing fee of \$350 in installments under 28 U.S.C. § 1915(b), regardless of the outcome of this case. We direct the Superintendent of SCI Phoenix or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Mr. Hamilton's inmate account; or (b) the average monthly balance in Mr. Hamilton's inmate account for the six-month period immediately preceding the filing of this case. The Superintendent or other appropriate official shall calculate, collect, and forward the initial payment assessed under this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Mr. Hamilton's inmate trust fund account exceeds \$10.00, the Superintendent or other

appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Mr. Hamilton's inmate account until the fees are paid. Each payment shall refer to the docket number for this case;

3. The Clerk of Court shall send a copy of this Order to the Superintendent of SCI Phoenix;

4. The Complaint (ECF Doc. No. 1) is **DEEMED** filed;

5. Mr. Hamilton's Complaint (ECF Doc. No. 1) is **DISMISSED with prejudice** as frivolous under 28 U.S.C. § 1915(e)(2)(B)(i); and,

6. The Clerk of Court shall **close** this case.



KEARNEY, J.